

Declaration and Power of Attorney for Patent Application

Asia below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Homogenus Methods for Nucleic Acid Amplification and Detection

the specification of	which		·				
(check one)							
is attached [X] is attached was filed		997	as				
Application Serial N	No. <u>08/</u> 9	968,208					
and was amended or		applicable)					
•	I have reviewed and und endment referred to above		f the above identifie	d specification	on, inclu	ding the	claims, as
I acknowledge the d	uty to disclose information	n which is material to p	atentability as defined	d in 37 CFR	§ 1.56.		
inventor's certificate States, listed below	eign priority benefits und e, or § 365(a) of any PCT and have also identified b al application having a filin	International application below, by checking the b	on which designated a box, any foreign appl	at least one concept ication for pa	ountry of tent or in	ther than	the United
Pri r F reign Application(s)			Priority Claimed				
(Number)	(Country)	(Day/Month/Ye	ar Filed)		[] Yes		[] No
(Number)	(Country)	(Day/Month/Ye	ear Filed)	Yes	[]	No	[]
(Number)	(Country)	(Day/Month/Yea	ar Filed)		[] Yes		[] No
I hereby claim the b	enefit under 35 U.S.C. §	119(e) of any United St	ates provisional appli	cation(s) liste	d below.		
(Application No.)	(Filing Da	ate)	(Application No.)		(Filing Date)		



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I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

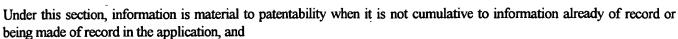
07/093,201	<u>Iviay 2, 1991</u>		r circuity			
(Application Serial No.)	(Filing Date)	(Status)	(patented, pending, abandoned)			
(Application Serial No.)	n Serial No.) (Filing Date)		(Status) (patented, pending, abandoned)			
belief are believed to be tru like so made are punishabl	e; and further that these stateme e by fine or imprisonment, or be	ents were made with the knowledge	tatements made on information and that willful false statements and the of the United States Code and that thereon.			
			s) and/or agent(s) to prosecute this list name and registration number)			
George W. Johnston	(Reg. No. 28090)	John Parise	(Reg No. 34403)			
William H. Epstein	(Reg. No. 20008)	Douglas A. Petry, Ph.D.	(Reg. No. 35321)			
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Stacey R. Sias, Ph.D.	510-814-2863					
Full name of sole or first in Russell Gene Higuchi	write (range / the	1-27	2-98			
Inventor's signature	, ,	Date				
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Citizenship						
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D + 00° + 11						

Post Office Address

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Title 37, Code of Federal Regulations, §1.56, duty to disclose information material to patentability provides, in part, that each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned.





- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.